SUMMARY OF SUPPLEMENTAL INTERVIEW
IAB IV 2169464
NUNO, HECTOR #[redacted]
DEPUTY SHERIFF

On June 27, 2006, at 1435 hours, Lieutenant James P. Wolak of Lakewood Station, conducted a tape recorded supplemental interview , in person, with Subject Nuno at Paramount Sub-Station. Prior to the interview commencing, Subject Nuno was given a copy of his Administrative Rights/Sworn Subject Form, which he stated he understood and signed. Subject Nuno had requested a representative and Mr. Derald Brennamen of Green and Shinee Attorneys at Law was present and tape recorded the interview. Mr. Brennamen represents ALADS (Association of Los Angeles Deputy Sheriffs).

On January 28, 2006, after determining he would not arrest the individual that passed the counterfeit $50 bill, Subject Nuno entered the incident on his log, phoned the Secret Service, and based on that phone call decided not to write a report. Subject Nuno could not recall the phone number he dialed to contact the Secret Service but remembered he had recorded it in his patrol posse box. During the interview he retrieved the number from his posse box. The phone number he used that day was [redacted] Subject Nuno was unable to recall specifically the time he contacted the Secret Service but knew it was within three days of the incident. The agent who answered the phone, identified himself as an agent. Subject Nuno does not remember the agent's name, only that he was a male. The male agent listened to his account of the incident then informed him their mainframe computer was down. When Subject Nuno told the agent had nobody in custody, the agent instructed him to destroy or "do whatever you want with the bill."

Subject Nuno did not destroy the bill but placed it in his locker instead. He failed to notify a supervisor of the incident. On February 27, 2006, Subject Nuno had a conversation with Lieutenant Wolak, but could not recall the specifics of that conversation and did not remember informing Lieutenant Wolak that he had failed to notify the Secret Service Office. After that conversation, Subject Nuno notified Secret Service but once again the mainframe was down and they were unable to verify if the bill was counterfeit. The agent asked him what he was going to do with the bill and Subject Nuno informed him it would be placed into evidence in the watch commander's safe.

Subject Nuno detailed the incident in a complaint report. In that report Subject Nuno indicated he notified Agent McClerverty from the Secret Service. He failed to list in the report that he had contacted the agency after the original incident. He did not know why he failed to document the first notification. Subject Nuno stated the counterfeit bill remained in his locker the entire time between the incident and the time he was directed to place the bill into evidence.

The interview was concluded at 1455 hours.

September 14, 2006

Deputy Hector Nuno, #[redacted]

Dear Deputy Nuno:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2169464, conducted by Lakewood Station, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/050.20, Duties of All Members; and/or 5-04/100.00, Evidence Handling, on or about January 28, 2006, you failed to conform to the work standards established for your rank and/or position and/or failed to take positive police action when you neglected to appropriately handle evidence and/or failed to make the proper notifications and/or failed to properly document the passing of a counterfeit bill in an official complaint report, and/or failed to place the counterfeit bill in the watch commander's safe and/or book the counterfeit bill into evidence as required.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about February 2006 and June 2006, you made false and/or misleading statements, including, but not limited to:

   a) on or about February 28, 2006, during the initial inquiry of the incident, you stated that you did not notify the United States Secret Service about the counterfeit bill, and/or;

   b) on or about June 12, 2006, during your first subject interview, you stated that you did contact the Secret Service Office on the night of the incident and that you relayed the serial number to them, but that they were unable to determine if the bill was counterfeit, and/or;

   c) on or about June 27, 2006, during your second subject interview, you indicated you could not recall specifically the time you contacted the Secret Service, but you knew it was within three days of the incident and/or that the agent who answered the phone was a male and that he instructed you to destroy or "do whatever you want with the bill."

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Tajuana Moore, of Internal Affairs Bureau, at (323) 890-5311, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

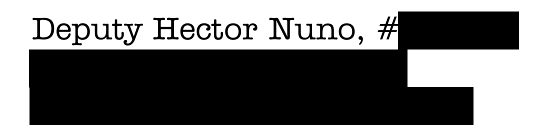
Original Signed

David L. Fender, Captain
Commander, Lakewood Station

DLF:KM:tm

c: Advocacy Unit
Employee Relations Unit
Marvin O. Cavanaugh, Chief, Field Operations Region III
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2169464)

November 12, 2006

Deputy Hector Nuno, #[redacted]

[redacted]

Dear Deputy Nuno:

On September 14, 2006, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2169464. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days. However, pursuant to a settlement agreement between you and the Department, seven (7) of the fifteen (15) days will be held in abeyance for a period of twelve (12) months which will end on October 12, 2007. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period of the settlement agreement, the seven (7) days held in abeyance will be imposed. Additionally, you will be subject to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a fifteen (15) day suspension.

The effective dates for the remaining eight (8) day suspension are from November 13, 2006 through November 20, 2006.

An investigation under File Number IAB 2169464, conducted by Lakewood Station, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/050.20, Duties of All Members; and/or 5-04/100.00, Evidence Handling, on or about January 28, 2006, you failed to conform to the work standards established for your rank and/or position and/or failed to take positive police action when you neglected to appropriately handle evidence and/or failed to make the proper notifications and/or failed to properly document the passing of a counterfeit bill in an official complaint report, and/or failed to place the counterfeit bill in the watch commander's safe and/or book the counterfeit bill into evidence as required.

2. That in violation of Manual of Policy and Procedures Sections 3-01/040.70, False Statements and/or 3-01/040.75, Failure to Make Statements and/or Making False Statements During an Internal Investigation, on or about February 2006 and June 2006, you made false and/or misleading statements, including, but not limited to:

   a) on or about February 28, 2006, during the initial inquiry of the incident, you stated that you did not notify the United States Secret Service about the counterfeit bill, and/or;

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   c) on or about June 27, 2006, during your second subject interview, you indicated you could not recall specifically the time you contacted the Secret Service, but you knew it was within three days of the incident and/or that the agent who answered the phone was a male and that he instructed you to destroy or "do whatever you want with the bill."

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

David L. Fender, Captain
Commander, Lakewood Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

DLF:KM:sy

c: Advocacy Unit
Marvin O. Cavanaugh, Chief, Field Operations Region III
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lakewood Station/unit Personnel File